

REMARKS

Status of Claims

Claims 1, 3-6, 8-11, 13-16, 18-21 and 23-29 are pending and have been rejected by the Examiner. Claims 1, 3-5, 9-11, 13-15, 19, and 21 have been amended.

Accordingly, claims 1, 3-6, 8-11, 13-16, 18-21 and 23-29 are presented and at issue. Reconsideration and allowance of the application in view of the foregoing amendments and following remarks are respectfully requested.

Support for Claim Amendments

Support for the amendments to independent claims 1, 11, and 21 may be found throughout the Applicants' specification and drawings (e.g., Figure 2 and corresponding description). No new matter has been entered.

Claim 3 has been amended to recite, *inter alia*, "wherein the customer entity is a wireless mobile telephone." Support for the amendment can be found throughout the specification. (See e.g., para. [0013] and FIG. 1). No new matter has been entered.

Claims 4, 5, 9, 10, 14, 15, and 19 have been amended to provide antecedent basis.

Claim 13 has been amended to recite, *inter alia*, "evaluating the customer entity's service plan to determine available channel listing and filtering the on-screen program listing by displaying only the available programming data corresponding to the customer entity's available channel listing." Support for the amendment can be found throughout the specification. (See e.g., para. [0029]). No new matter has been entered.

Rejections Under 35 U.S.C. §102

Claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 are rejected under 35 U.S.C. §102(c) as being allegedly anticipated by Logan (US 2003/0093790 hereinafter "Logan"). The Applicants respectfully traverse the rejections of claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 for at least the reasons presented herein.

Independent claim 1 is directed to a method for providing adaptive programming listings. Claim 1 has been amended to recite, *inter alia*, "gathering a list of available programming titles from a server;

storing the list of available programming titles in a database;

gathering program recommendation guides from non-customer third parties and storing the program recommendation guides in a recommendation guide database, the program recommendation guides comprising *lists of programs* recommended by the non-customer third parties;

presenting a user interface to the customer entity along with the program recommendation guides;

receiving from the customer entity at least one selection from the program recommendation guides and storing the at least one selection in a customer preference database;

receiving a request from the customer entity for an on-screen program listing;

processing the request by *comparing a list of programs recommended* from the at least one program recommendation guide selection *with the list of available programming titles* and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of the at least one program recommendation guide selection;

presenting a filtered on-screen program listing to the customer entity resulting from the processing; and

automatically signaling a personal recording device to record a program on behalf of the customer entity;

wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked programming titles to the customer when the option is turned off.” Logan is directed to a system of utilizing metadata that identifies and designates programming segments, associates descriptive metadata with the

identified segments, and uses the metadata to selectively record and playback programming (Abstract). Logan fails to disclose gathering a list of available **programming titles**...gathering program recommendation guides from non-customer third parties, the program recommendation guides comprising *lists of programs recommended* by the non-customer third parties; *comparing a list of programs recommended* from a program recommendation guide selection *with the list of available programming titles* and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of the at least one program recommendation guide selection. Rather, Logan's disclosure provides a way to selectively reproduce recorded video program **segments** retrieved from storage under the control of *playlist metadata*, which "identifies a selected set of the stored segments and [sic] the ordered sequence in which those segments are to be reproduced" (paragraph [0007]). Thus, the use of metadata to identify and selectively reproduce program segments, as disclosed in Logan, is distinguishable from *comparing a list of programs recommended* from a program recommendation guide (defined as lists of programs recommended) selection *with the list of available programming titles*, and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles, as recited in claim 1.

In addition, with regard to claim 1, the Examiner states that Logan teaches "wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming titles that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked titles to the customer when the option is turned off," citing paragraphs [0399]-[0404] in support.

Paragraphs [0399]-[0404] of Logan, however, disclose the ability to override the filtering on a segment-by-segment basis. ("the Family Editor would have to have the ability to change the rating of segment or disable the offending attribute," Para. [0399], emphasis added). Logan goes on to describe turning off filtering at the individual show or movie level. ("parents may filter movies for their children, but may watch the same movies in their entirety when their children are not present," Para. [0401], emphasis

added). In another embodiment, Logan describes “a visual cue [that] would tell the adult that a scene was about to be skipped. The adult could read the index information, or decide based on other circumstances to override the setting and have the segment play.” (Para. [0404], emphasis added). Thus, each embodiment described in Logan acts on a specific aspect or segment of a program rather than a global application of the filtering (i.e., “globally turn off and on preference filtering”), as recited in the Applicants’ claim 1. Accordingly, Logan does not teach “wherein the user interface includes an option to enable the customer to **globally** turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked programming titles to the customer when the option is turned off.” For at least these reasons, claim 1 is not anticipated by Logan and is in condition for allowance.

Independent claim 11 is directed to a storage medium for providing adaptive programming listings. Claim 11 has been amended to recite, *inter alia*, “gathering a list of available **programming titles** from a server;

storing the list of available programming titles in a database;

gathering program recommendation guides from non-customer third parties and storing the program recommendation guides in a recommendation guide database, the program recommendation guides comprising **lists of programs** recommended by the non-customer third parties;

presenting a user interface to the customer entity along with the program recommendation guides;

receiving from the customer entity at least one selection from the program recommendation guides and storing the at least one selection in a customer preference database;

receiving a request from the customer entity for an on-screen program listing;

processing the request by *comparing a list of programs recommended* from the at least one program recommendation guide selection *with the list of available programming titles* and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of the at least one program recommendation guide selection;

presenting a filtered on-screen program listing to the customer entity resulting from the processing; and

automatically signaling a personal recording device to record a program on behalf of the customer entity.” As indicated above with respect to claim 1, Logan fails to disclose gathering a list of available *programming titles*...gathering program recommendation guides from non-customer third parties, the program recommendation guides comprising *lists of programs* recommended by the non-customer third parties; *comparing a list of programs recommended* from a program recommendation guide selection *with the list of available programming titles* and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of the at least one program recommendation guide selection.

In addition, with respect to claim 11, the Examiner states that Logan teaches “wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked programming titles to the customer when the option is turned off.” As indicated above with respect to claim 1, Logan fails to disclose a

global application of the filtering (i.e., “globally turn off and on preference filtering”), as recited in claim 11. For at least this reason, claim 11 is not anticipated by Logan and is in condition for allowance.

Independent claim 21 is directed to a system for providing adaptive programming listings. Claim 21 has been amended to recite, *inter alia*, a host system in communication with a customer entity via the communications network, the host system comprising a server, a database of available programming data, a database of customer preferences, and a database of program recommendation guides; and

a preference filtering system executing on the host system;

wherein the preference filtering system performs:

gathering a list of available programming titles from the server;

storing the list of available programming titles in the database of available programming data;

gathering program recommendation guides from non-customer third parties and storing the program recommendation guides in the database of program recommendation guides, the program recommendation guides comprising lists of programs recommended by the non-customer third parties;

presenting a user interface to the customer entity along with the program recommendation guides;

receiving from the customer entity at least one selection from the program recommendation guides;

storing the at least one program recommendation guide selection in the database of customer preferences;

receiving a request from the customer entity for an on-screen program listing;

processing the request by comparing a list of programs recommended from the at least one program recommendation guide selection with the list of available programming titles and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming data of the at least one program recommendation guide selection;

presenting a filtered on-screen program listing to the customer entity resulting from the processing; and

automatically signaling a personal recording device to record a program on behalf of the customer entity.” As indicated above with respect to claim 1, Logan fails to disclose gathering a list of available *programming titles*...gathering program recommendation guides from non-customer third parties, the program recommendation guides comprising *lists of programs* recommended by the non-customer third parties; *comparing a list of programs recommended* from a program recommendation guide selection *with the list of available programming titles* and modifying an available on-screen program listing of the list of available programming titles according to the list of recommended programming titles of the at least one program recommendation guide selection.

In addition, with respect to claim 21, the Examiner states that Logan teaches “wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked titles to the customer when the option is turned off.” As indicated above with respect to claim 1, Logan fails to disclose a global application of the filtering (i.e., “globally turn off and on preference filtering”), as recited in claim 21. For at least this reason, claim 21 is not anticipated by Logan and is in condition for allowance.

Claim 3 depends from claim 1 and should be allowable for at least the reason that it depends from what should be an allowable base claim. Logan is devoid of teaching “wherein the customer entity is a wireless mobile telephone.” Therefore, for at least this reason, claim 3 is patentable over Logan.

Claim 13 depends from what should be an allowable base claim 11 and is patentable for at least reasons of dependency. In addition, the Examiner states that Logan teaches the “evaluating the customer entity’s service plan” and “filtering” features of claim 13 citing paragraphs [0254]-[0255], [0419], and [0427]-[0428] in support. Paragraphs [0254] and [0255] of Logan recite “Charging a subscription fee for the right to view preview copies” and “Prevent preview segments from being transferred to another user” respectively. Paragraph [0254] describes charging a fee and paragraph [0255] describes restricting transfer of content to other users. The specification of Logan, however, does not create any causal link between the fee and the transfer. In other words, the fee described in [0254] does not have any impact on the restriction of transfers in the following paragraph but is instead one of seven “features” in the Logan embodiment. Assuming *arguendo* that there was a causal link between the two paragraphs whereby the fee charged somehow trigger the restriction in transferring content, this does not describe a process of “evaluating the customer entity’s service plan *to determine available channel listing* and *filtering the on-screen program listing* by displaying only the available programming data *corresponding to the available channel listing*” as recited in amended claim 13. There is nothing in either paragraph that teaches determining available channel listings, “filtering the on-screen program listing” or “displaying only the available programming data corresponding to the available channel listing.” Paragraph [0419] of Logan recites “Business rules, digital rights management, and payment systems could be associated via metadata to the

content allowing or disallowing such functions.” The functions mentioned in this passage of Logan are described earlier in the paragraph as “copying portions of programs to permanent storage, i.e., DVD or CDR.” (Logan Para. [0419]). Copying data to DVDs or CDRs is not the same as “evaluating the customer entity’s service plan to determine available channel listing and filtering the on-screen program listing by displaying only the available programming data corresponding to the customer entity’s available channel listing.” Paragraphs [0427]-[0428] describe a payment system for “allowing users to purchase special rights for a show or parts of a show.” (Logan Para. [0428]). The system described in Logan is for purchasing shows or show segments. This is not the same as “evaluating the customer entity’s service plan to determine available channel listing and filtering the on-screen program listing by displaying only the available programming data corresponding to the customer entity’s available channel listing.” There is nothing in Logan that discloses “filtering the on-screen program listing” based on “evaluating the customer entity’s service plan to determine available channel listing.” Therefore, for at least the reasons described herein, claim 13 is allowable over Logan.

Claims 4-6, 8-10, 14-16, 18-20, and 22- 29 depend from what should be allowable base claims 1, 11, and 21 and are allowable for at least this reason.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicants' Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicants' Attorneys

By: /Marisa J. Dubuc/

June 30, 2009

Registration No: 46,673
Customer No. 36192

Address: 20 Church Street, 22nd Floor
Hartford, CT 06103

Telephone: (860) 286-2929

Fax: (860) 286-0115